Case 1:04-cv-1181/1ENMGN underlyeus 2254 for Rev12004 Page 1 of 6 HABEAS CORPUS BY A PERSON IN STATE CUSTODY AO 241 (Rev. 5/85) United States District Court Prisoner No. Place of Confinement **PETITION** 1. Name and location of court which entered the judgment of conviction under attack Date of judgment of conviction Nature of offense involved (all counts) 5. What was your plea? (Check one) (a) Not guilty (b) Guilty (c) Nolo contendere If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details: 6. If you pleaded not guilty, what kind of trial did you have? (Check one) (a) Jury

(b) Judge only

X.

7. Did you testify at the trial?

Yes □

No 🗹

8. Did you appeal from the judgment of conviction?

Yes 🛚

No 🏋

## 

AO 2	lev. 5/85)	
9.	ou did appeal, answer the following:	
	Name of court - Me	
	Result	_
	Date of result and citation, if known	
	Grounds raised	<u></u>
	If you sought further review of the decision on appeal by a higher state court, please answer the following:  (1) Name of court  (2)	
	(2) Result	
	(3) Date of result and citation, if known	
	(4) Grounds raised	
	If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to creet appeal:  (1) Name of court	each
	(2) Result	
	(3) Date of result and citation, if known	
	(4) Grounds raised	<del></del>
10	ther than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applicate motions with respect to this judgment in any court, state or federal?	ions,
11	your answer to 10 was "yes," give the following information:  (1) Name of court	
	(2) Nature of proceeding	
	(3) Grounds raised	

(4) Did you receive an exidentiary hearing on your petition, application or motion?  (5) Result  (6) Date of result  (h) As to any second petition, application or motion give the same information:  (1) Name of court  (2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an exidentiary hearing on your petition, application or motion?  Yes   Note    (5) Result  (6) Date of result  (6) Date of result  (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (9) Pits specifion, etc. Yes   Note    (1) First petition, etc. Yes   Note    (2) Scoond petition, etc. Yes   Note    (6) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (6) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (7) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not.  (8) First or The First of The Fir	AO 241 (Rev. 5/85)				
(6) Date of result  (6) Date of result  (7) Name of court  (8) Nature of proceeding  (9) Nature of proceeding  (1) Name of court  (1) Name of court  (2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes   Note    (5) Result  (6) Date of result  (6) Date of result  (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (8) This petition, etc. Yes   Note    (9) Second petition, etc. Yes   Note    (10) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (11) It was a full moved of the period of the p			<u>.</u>		
(6) Date of result  (6) Date of result  (7) Name of court  (8) Nature of proceeding  (9) Nature of proceeding  (1) Name of court  (1) Name of court  (2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes   Note    (5) Result  (6) Date of result  (6) Date of result  (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (8) This petition, etc. Yes   Note    (9) Second petition, etc. Yes   Note    (10) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (11) It was a full moved of the period of the p					
(6) Date of result  (6) Date of result  (7) Name of court  (8) Nature of proceeding  (9) Nature of proceeding  (1) Name of court  (1) Name of court  (2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes   Note    (5) Result  (6) Date of result  (6) Date of result  (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (8) This petition, etc. Yes   Note    (9) Second petition, etc. Yes   Note    (10) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (11) It was a failure of proceeding   Application or motion, explain briefly why you did not:  (12) Second petition, etc. Yes   Note    (13) State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies					
(5) Result		ientiary hearing on your p	petition, application or	notion?	
(6) Date of result  (b) As to any second petition, application or motion give the same information:  (1) Name of court  (2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evalentiary hearing on your petition, application or motion?  Yes \bigcup No \bigcup (5) Result  (6) Date of result  (6) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc. Yes \bigcup No \bigcup (2) Second petition, etc. Yes \bigcup No \bigcup (3) \bigcup (3) \bigcup (3) \bigcup (3) \bigcup (3) \bigcup	- /-				
(b) As to any second petition, application or motion give the same information:  (1) Name of court	•		•		,
(2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes   Note    (5) Result   (6) Date of result  (6) Date of result    (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (8) Second petition, etc.   Yes   Note    (9) Second petition, etc.   Yes   Note    (1) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    The transfer   Interest   In	•				
(2) Nature of proceeding  (3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes Note  (5) Result  (6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc. Yes Note  (2) Second petition, etc. Yes Note  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    Author   Aut					
(3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes Note  (5) Result  (6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc. Yes Note  (2) Second petition, etc. Yes Note  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    Antie result Author Laboratory Company of the facts of the f	•				
(3) Grounds raised  (4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes No (5) Result  (6) Date of result  (6) Date of result  (7) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (8) First petition, etc. Yes No (2) Second petition, etc. Yes No	(2) Nature of proceeding		***************************************	**	
(4) Did you receive an evidentiary hearing on your petition, application or motion?  Yes Note  (5) Result / Love  (6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc. Yes Note  (2) Second petition, etc. Yes Note  (d) If you-did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    Note   Second petition   Second p		<u> </u>			
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.	(3) Grounds raised			A STATE OF THE STA	
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.	·				
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.	- Martin - M				,
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.			and the second s		
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.		<u> </u>			
(6) Date of result  (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  **The result Listens** fallowers** is fallowers** in the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies.	(4) Did you receive an evin	dentiary hearing on your	petition, application or	motion?	
(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes Now  Now  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	` ' '				
(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  (1) First petition, etc.  (2) Second petition, etc.  Yes No (2) Second petit	(5) Result <u>Henre</u>				
(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petit	(6) Date of result				
(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  (d) If you did not appeal from the adverse action on any petit		hest state court having j	urisdiction the result o	f action taken on any petition,	application or
(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:    The research feeting for the property of the pro			No		
12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	(2) Second petition, etc.	Yes □	No ₩		
12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	(d) If you did not appeal from	the adverse action on any	y petition, application o	r motion, explain briefly why you	did not:
12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	( marce neve	i fallowed up	ou appeal	Kulo IS imo X	oebotai
each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	But nesses le	magher Assico	rd. pottime	n bareake wery	regased
each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.  Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies	fant no action	1. Dollar To	date -		<u> </u>
Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies					cts supporting
as to each ground on which you removed action by the federal court. If you fail to set forth all groups in this applier,	Caution: In order to proc	eed in the federal court.	you must ordinarily fir	st exhaust your available state c	ourt remedies
vou may be barred from presenting additional crees is at a later date.				fail to set forth of group the	<u>the polites</u>

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted you state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

alasana	Cast
	ng FACTS (state briefly without citing cases or law)
	jaine matter setures exal and state Palice will
10000	d ha passible ampresacy welther the partition it
2111/1	ting in supported acted as a go-between in the conse
17F. K	hand, wherefore his arrivation respectfully of 10 and
	us a figure emissionen
<u> </u>	an in part carrent ca
***	
Ground t	two: Consection offeniard by use I fred me present purch
	necessitational south and Langue and in exterior lan
	ng FACTS (state briefly without citing cases or law)
	$t \rightarrow t$
	and was baseless and was not mollasharata by any
/ //	real predering as credible resegnant Theres The Ithe
Miss.	Describe a fruit of a pricario tran mentio, no pre lessted
	1 - 14- W fray, Pole moring Beenson a me way excerting tion The
Massa	for the replication to resease qual devices was vage
Tutta	only set forth and your facts in the restor at the

Supporting ACTS (state briefly without citing cases or law)  Supporting FACTS (state briefly without citing cases or law)  Anticopy (Alcol Annuage The case - three are stall according of the action
Description of filed during the occar three as still ancestily attending the attending sent allowed to enthus the property of the appearance of the angular angular angular angular angular and an angular ang
Description of the attention find of the surprise of the surpr
Sign propose as (follow his uny & Squarest wood an enterprise Sont south of the mide of the south of crapes statisfical proceeding.  D. Ground four: (new there of the analytical of crapes statisfical proceeding.)  Supporting FACTS (state briefly without citing cases or law) (Sont of crapes statisfical proceeding.)  Supporting FACTS (state briefly without citing cases or law) (Sont of crapes of the supporting to the supporting of the supporting supporting the supporting supporting the supporting support of the supporting supporting the supporting support of the supporting supporting forces for the supporting support of the supporting support of the supporting supporting sup
D. Ground four: Consection of the Chamber of the proper itentificate  Supporting FACTS (state briefly without citing cases or law) De afficers surper itentificate  Supporting FACTS (state briefly without citing cases or law) De afficers surper itentificate  politicalists to be surper illegably surged than for your carrier of properties of the difference of the surper in the surper illegably surged than for your carrier of the properties of properties of the surper in the properties of the surper in the surper in the properties of the surper in the properties of the surperior of
D. Ground four: Courself newbotted the Chamber of their Sensite to the Super statefical proceeding.  Supporting FACTS (state briefly without citing cases or law) The afficent sugar a leavest the product of the super statefical protections, by using ellegably sugar stands for the protection of the super the protections, by using ellegably sugar stands for making of a leavest of the super stands of the super super stands of the super super stands of the super super super super stands of the super supe
D. Ground four: Connection althought in replaced of common times  Supporting FACTS (state briefly without citing cases or law) The affection suggest a liverage of property to the suggest of the suggest
D. Ground four:     Description   Although   11   120   The proper that from the proper that from the proper that from the proper that the pro
Supporting FACTS (state briefly without citing cases or law) ( ) Le afficient surger is Chromes  Supporting FACTS (state briefly without citing cases or law) ( ) Le afficient surger is Chromes In Chromes In Chromes In Chromes In Continue to the property surger is property a contained of the afficient surger surger is placed to the afficient surger in the character of the afficient surger of the community of the contained of the surger surger of the community of the contained of the surger of the community of the contained of th
Supporting FACTS (state briefly without citing cases or law) De afficient success of the supporting Factor of the supporting success of the success of the success of the success of the supporting success of the succ
Supporting FACTS (state briefly without citing cases or law) ( ) Le afficient sugar a leaver of the surject of
politicist to be sourced in as west, think to gran an partie strain to gran and properties which the political properties proceed from the place of the officers for them the place of the shippedia sugar forces to the shippedia sugar formation to the shippedia sugar formation of the shippedia sugar forces to the shippedia sugar formation of the defendant.
politicisms, by wing ellegally saiged than to you carried at a local prolonger of the officer for them the claim to character the officer for them the claim for the property saiged document them from the character of the surgeon saiged document them
a local protourant The officer for them the place of the object for the place
conjunct forces to the stogethy sugar secureut Then fre
premering the defendant.
premeleing the defendant.
13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or rederal, state or rederal,
what grounds were not so presented, and give your reasons for not presenting them:
Dit Kowaned
14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes \( \sigma  \text{No.}(\sigma)
15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein
(a) At preliminary hearing 1990 1990 1990 1990
(b) At arraignment and plea Saure or Materials Citizency at Xac

AO 241 (Rev. 5/85)
(c) At trial Laurence J. Ma Huise
(d) At sentencing Laurence J. Who Hung
(e) On appeal Laurence J. Ma Africa
(f) In any post—conviction proceeding
a soul the
(g) On appeal from any adverse ruling in a post-conviction proceeding
on tale 28 Chilory
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?
Yes No No
17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
Yes \( \subseteq   \
(a) If so, give name and location of court which imposed sentence to be served in the future:
Mais
(b) Give date and length of the above sentence:
the centence to be
(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be
served in the future?
Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.
V = Ae
Signature of Attorney (if any)
I declare under penalty of perjury that the foregoing is true and correct. Executed on
N 8-6-04
(date)  Signature of Petitioner (see Appele
Signature of Petitioner
fue A fronce